

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

SCOTT D. CREECH,

Petitioner,

: Case No. 1:15-cv-193

- vs -

District Judge Michael R. Barrett  
Magistrate Judge Michael R. Merz

CHARLOTTE JENKINS, Warden,  
Chillicothe Correctional Institution,

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Respondent.

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**SCHEDULING ORDER**

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On December 27, 2017, having been advised that the state courts had completed proceedings in this matter, the Court vacated the stay it had previously entered and indicated “the Magistrate Judge treats the case as ripe for decision.” (ECF No. 36, PageID 3540). Today, however, the Court received<sup>1</sup> Petitioner’s Motion to File Documents to Supplement the Record (ECF No. 37) which includes the statement that the Petition “will have to be amended to incorporate the new issues being exhausted now in the lower courts of the State of Ohio.” This statement makes it clear that the case is not ripe for decision.

Accordingly, Petitioner is ordered to file a motion for leave to amend which shall have attached a complete proposed amended petition not later than January 29, 2018. This document shall be merely the proposed pleading with **no attachments** except it shall be accompanied by a memorandum showing why, in Petitioner’s opinion, amendments are not barred by the statute of limitations. The motion to amend will be briefed on the usual schedule provided by S. D. Ohio

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<sup>1</sup> Although received today, the Certificate of Service indicates mailing on December 18, 2017. PageID 2544.

Civ. R. 7.2, to wit, twenty-one days for any memorandum in opposition and seventeen days thereafter for any reply memorandum.

If the Court allows the amendment, it will order an amended return from Respondent, accompanied by the state court record, prepared in the way now customary in these cases, to wit, in a bookmarked .pdf document. When that is complete, Petitioner may move to expand the record to include additional documents he believes are necessary for adjudication of the case. The instant Motion to File Documents to Supplement the Record is DENIED without prejudice to its renewal after the State Court Record in complete form has been filed.

December 29, 2017.

s/ *Michael R. Merz*  
United States Magistrate Judge